

1 pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. In response to the Court's Order,
2 Plaintiff submits that Defendant Dr. C. Stone can be located at San Quentin State Prison, Main
3 Dental Clinic. (Doc. No. 141.) However, the information provided by Plaintiff is neither new
4 nor different than the information previously provided and therefore does not help to facilitate
5 service.

6 Although a plaintiff who is incarcerated and proceeding *in forma pauperis* may rely on
7 service by the Marshal, such plaintiff "may not remain silent and do nothing to effectuate such
8 service"; rather, "[a]t a minimum, a plaintiff should request service upon the appropriate
9 defendant and attempt to remedy any apparent defects of which [he] has knowledge." *Rochon v.*
10 *Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987).

11 Plaintiff's complaint has been pending for over 120 days. Plaintiff has not provided
12 sufficient information to allow the Marshal to locate and serve Defendant Dr. C. Stone. For the
13 reasons stated above, **Defendant Dr. C. Stone** is **DISMISSED** pursuant to Federal Rule of Civil
14 Procedure 4(m).

15 IT IS SO ORDERED.

16 DATED: 3/20/13


LUCY H. KOH
United States District Judge